

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

**IN RE: TESTOSTERONE REPLACEMENT
THERAPY PRODUCTS LIABILITY
LITIGATION**

**CASE NO. 1:14-CV-01748
MDL 2545**

JUDGE MATTHEW F. KENNELLY

This Document Relates to:

All Actions

JOINT MOTION TO ENTER CASE MANAGEMENT ORDER

Defendants AbbVie Inc. and Abbott Laboratories (together, “AbbVie”) and Plaintiffs jointly move for entry of a Case Management Order in the form appended hereto. The proposed Order amends the Plaintiff Profile Form (“PPF”) notice and Order to Show Cause procedure set out in CMO 85 with respect to AbbVie and Plaintiffs with claims against AbbVie.

The Court implemented CMO 85 in order to require all Plaintiffs to provide supplemental medical information in a PPF with supporting evidence (e.g., medical and pharmacy records) of use of a defendant’s product and the injury (or injuries) allegedly caused by such use and to provide an abbreviated compliance process for deficient PPFs centered on requiring Plaintiffs to show cause for failure to comply. (*See* Dkt. 2292 at 23.) In its current form, CMO 85 provides Plaintiff’s counsel with a 21-day cure period after the issuance of an Order to Show Cause. (Dkt. 2295.) AbbVie and the PSC now move to set a firm cut-off date for each plaintiff to comply with CMO 85.

Accordingly, AbbVie and Plaintiffs propose that the Court enter a new CMO to:

- Establish a firm cut-off date of May 11, 2018, by which Plaintiffs must cure any deficient PPFs and provide any missing records of use and injury or injuries (i.e., substantially comply with CMO 85's PPF requirements);
- Set forth a procedure by which AbbVie will give the Court a list of Plaintiffs whose PPFs remain deficient after May 11, 2018, including the reasons for deficiency, the Court will issue an Order to Show Cause, and Plaintiffs will have an opportunity to show cause why their failure to comply with CMO 85 as to AbbVie should be excused.
- Exclude from the aforementioned procedure and cut-off date the Plaintiffs subject at the time of this filing to the existing Order to Show Cause bearing a cure date of April 27, 2018.

For the foregoing reasons, AbbVie and Plaintiffs respectfully request that the Court enter the proposed Order attached hereto.

Dated: April 26, 2018

Respectfully submitted,

/s/ Trent B. Miracle

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CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2018, the foregoing document was filed via the Court's CM/ECF system, which will automatically serve and send email notification of such filing to all registered attorneys of record.

/s/ Michelle Hart Yeary
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